

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

KELVIN L. HINES,)	
)	
Plaintiff)	
)	
vs.)	Case No. 7:13-cv-00644-JHH-HGD
)	
LIEUTENANT WILLIE BENNETT,)	
et al.,)	
)	
Defendants)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 13, 2014, recommending that the defendants' motions for summary judgment be granted and this cause be dismissed with prejudice. (Doc. 27). The plaintiff filed objections to the magistrate judge's report and recommendation on September 16, 2014. (Doc. 30).

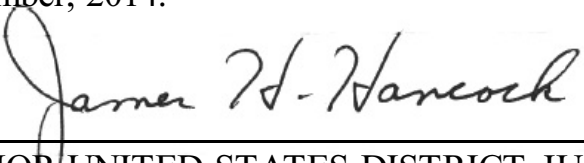
In his objections, the plaintiff merely restates his claims that defendants Bennett and Bell failed to comply with prison policies and customs which resulted in another inmate stabbing him.¹ (Doc. 30). The plaintiff does not address the undisputed evidence which shows neither defendants Bennett nor Bell had any prior

¹ The plaintiff does not address the magistrate judge's recommendation that defendants Thomas and Hutton's motion for summary judgment on the plaintiff's due process, access to courts, and retaliation claims be granted and the claims be dismissed.

knowledge that inmate Russell would access the west side of the facility or that inmate Russell and the plaintiff were a threat to each other. Because there is no evidence that defendants Bennett and Bell had subjective knowledge that inmate Russell was a danger to the plaintiff, his Eighth Amendment claims against these defendants for failing to protect him from an inmate attack are due to be dismissed. *See Farmer v. Brennan*, 511 U.S. 825, 837-39 (1994) (explaining the “subjective component” of an Eighth Amendment claim).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge’s report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants’ motions for summary judgment are due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DATED this the 19th day September, 2014.



SENIOR UNITED STATES DISTRICT JUDGE